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Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Loans for College Housing Programs for Fiscal Year 1980

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 279

[Docket No. R-80-804]

Loans for College Housing Programs for Fiscal Year 1980

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend 24 CFR Part 279, College Housing, by adding a new Subpart E. The amendment will implement the continuation of the college housing program for Fiscal Year 1980. The amendment incorporates the provisions of Subpart D of the current regulations, except as provided in the Supplementary Information below, and implements congressional directives as contained in the Report No. 95-1060 of the Senate Committee on Appropriations on the Department of Housing and Urban Development—Independent Agencies Appropriation Bill, 1980, dated August 1, 1978.

DATE: Comments are due May 28, 1980. The public comment period is being limited to 30 rather than the usual 60 days. It is essential that the final rule be adopted in this proceeding as soon as possible in order to enable HUD to approve funding applications for Fiscal Year 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D. C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D. C. 20410 (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Department is proposing to amend 24 CFR Part 279, College Housing, by adding a new Subpart E. The new Subpart E provides (1) that only one application for reservation of funds may be submitted and considered for funding under Section 279.44, (2) that submission of a resolution of the applicant's governing body approving the making of a housing loan application is required, (3) that Part 2 of the loan application HUD-Form 4501 shall include evidence of previous participation in HUD programs, (4) an increase in per occupant limitations related to the maximum loan and the total development cost, (5) that in the event of a tie in ranking numbers priority consideration will be given to applications where rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing housing and related dining facilities involves conversion of heating systems from oil or gas to coal and/or solar heating systems, (6) separate allocation of funds for specified sub-categories of colleges and universities, based on size, whose applications are in the category of new construction, acquisition conversion or rehabilitation to provide student/faculty housing. In addition, the maximum loan limit based on numbers of full-time students, the separate cost limits for apartments and the requirement that up to ten percent (10%) of the total available funds be reserved in connection with applications from educational institutions which are located in or near a Housing Neighborhood Strategy Area have been eliminated.

The decision to break down the funding categories for new construction, acquisition and rehabilitation to provide student/faculty housing and related dining facilities into four sub-categories, based on enrollment, results from an analysis of the pattern of funding in Fiscal Year 1979. Large institutions have fared far better under the program than small institutions. While the division of the funding in Fiscal Year 1979 into two sub-categories, based on whether the college had an enrollment of under 5,000 or over 5,000 has assisted the smaller institutions, a further breakdown of funding classes into four sub-categories appears justified. In Fiscal Year 1979, nine percent (9%) of the institutions having enrollments below 5,000 were funded. However, only two percent (2%) of the institutions having enrollments of under 3,000 were funded, while thirty percent (30%) of the applicants with enrollments of 3,000 to 5,000 were funded. For the category of institutions with enrollments over 5,000, a total of thirty-three percent (33%) of the applicants were funded. However, only thirteen percent (13%) of those with enrollments of less than 10,000 were funded, whereas sixty-seven percent (67%) of those applicants having enrollments over 10,000 were funded. Based on this analysis, the Department proposes four sub-categories for funding in Fiscal Year 1980.

Part 279, Subpart A will continue to apply to all applications submitted prior to October 1, 1976, Subpart B will continue to apply to all applications submitted between October 1, 1976 and September 30, 1977, Subpart C will continue to apply to all applications submitted between October 1, 1977 and September 30, 1978, and Subpart D will continue to apply to all applications submitted between October 1, 1978 and September 30, 1979.

Interested persons may participate in this proposed rule making by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All comments received on or before May 28, 1980, will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that this proposed rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respect the National Environmental Policy Act of 1969 has been made in accordance with HUD procedure. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is listed as item number H-53-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Note.—It is hereby certified that the economic and inflationary impacts of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, it is proposed that Title 24, PART 279—College Housing, be amended by adding a new Subpart E reading as follows:

Subpart E—College Housing Program for Fiscal Year 1980

Sec.
279.41 Applicability of Part 279 to 1980 program.
279.42 Applications for reservation of funds.
279.43 Limitations on loan amounts.
279.44 Priority categories and funding criteria.

Authority: Section 402, Housing Act of 1950 (12 U.S.C. 1749a); Section 7(d), Department of HUD, Act (42 U.S.C. 3535(d)).

Subpart E—College Housing Program for Fiscal Year 1980

§ 279.41 Applicability of Part 279 to 1980 program.

All provisions of Subpart D of this Part 279 concerning policies and requirements for projects to be funded under the college housing program for Fiscal Year 1979 shall apply to projects to be funded under the college housing program for Fiscal Year 1980 except as follows: Sections 279.36, 279.37 and 279.38.

§ 279.42 Applications for reservation of funds.

(a) Only one application for reservation of funds may be submitted and considered for funding per institution under Section 279.44.

(b) Information and application forms may be obtained from and applications submitted to the field office which serves the area in which the educational institution is located. Applications may be submitted any time after the effective date of this subpart, and will be accepted until close of business on August 15, 1980.

(c) Applications for assistance will consist of two parts:

(1) Part 1 must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type, and accreditation of the educational institution;

(ii) Description and estimated cost of the proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities, an estimate of annual operating cost savings, if any, based on the difference between the average of routine project operating expenses for the previous three (3) years and futrue operating expenses estimated on the basis of the current prices of fuel, supplies, and services;

(iv) Evidence of need for the proposed project including documentation which supports the eligible applicants estimate of such need;

(v) Preliminary plans and specifications (if applicable);

(vi) Proposed method of financing;

(vii) Certified copies of resolution of the applicant's governing body, authorizing the making of the College Housing Loan Application.

(2) Part 2 must be submitted to receive consideration for loan approval and must include the information specified in Section 279.17 and evidence of previous participation in HUD programs, if any, by the Borrower, its officers or directors, on such forms as may be prescribed by HUD.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD field offices. Field offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.44. No projects will be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding college housing loan. Further, no application competing under the funding category described in Section 279.44(a)(1) shall be recommended for funding where the ranking number assigned to that application exceeds the number of months of the maximum loan term as set forth in § 279.39(b): (i.e., 480 months for a 40-year loan.)

(e) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocation of funds to the field offices will be made. Funds will be reserved, subject to availability, for specific projects by HUD headquarters on the basis of the field office recommendations.

(f) The priority categories and funding criteria specified in § 279.44 will be used by all field offices. Therefore, the ranking numbers assigned to individual applications in accordance with that section will permit a comparison by HUD headquarters among applications recommended for funding by different field offices.

(g) In the event HUD headquarters receives more recommendations for fund reservations than can be funded, HUD headquarters will prepare a nationwide priority list for each of the categories specified in § 279.44(a) by using the ranking numbers assigned by the field offices on the basis of the criteria described in that section. Fund reservations will then be made on the basis of the nationwide lists; provided, however, that the Department may deviate from this ranking system as necessary to ensure that not less than ten percent (10%) of the total funds available is reserved in connection with applications from historically black colleges.

(h) Field office recommendations and rankings for the categories specified in § 279.44 will be due in HUD headquarters on September 15, 1980. No recommendation will be considered which is sent to HUD headquarters after September 15, 1980, based on postmark or other evidence of dispatch. Funds will be reserved, subject to availability, not later than September 30, 1980.

(i) Applications for which funds are not reserved by the close of business on September 30, 1980, shall be returned to the applicant by the field office.

§ 279.43 Limitations on loan amounts.

(a) The maximum loan which any eligible applicant may request is the lesser of the following: $5,000,000; or $14,500 per occupant based on design capacity of the proposed housing, plus $65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities.

(b) The minimum loan which may be requested is $25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, a development cost (exclusive of land or extraordinary project costs as determined by the Sectretary) in excess of $17,000 per occupant based on the design capacity of the proposed housing will not be approved.

(d) The per occupant limitations specified in paragraphs (a) and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD headquarters.

§ 279.44 Priority categories and funding criteria.

(a) In recommending and making reservations of funds, all eligible applications shall be placed in the following categories and ranked by field offices and HUD headquarters according to the funding criteria indicated below:

(1) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the development cost as defined in Section 279.27(d). In order to provide priority consideration to those applications which involve conversion of heating and/or cooling systems from oil or gas to coal and/or solar heating systems, such an application shall be chosen over another application not proposing such conversion in the event of a tie in ranking numbers. If there is a tie in ranking numbers between two applications for which the above priority is inapplicable, and one of the

applications is from an institution which proposed rehabilitation of housing and related dining facilities originally financed under the college housing program, such application shall be chosen over another application which covers facilities not originally so financed.

(2) New construction or acquisition of student housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(3) New construction or acquisition of faculty housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time faculty at the institution to be served by the proposed project.

(b) Fund reservations for applications described in paragraph (a) of this section will be made in the following order:

(1) For applications in the category described in paragraph (a)(1) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts up to twenty-five percent (25%) of the total funds available.

(2) For applications in the category described in (a)(2) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts of up to twenty percent (20%) of the total funds available to institutions having enrollments of less than 3,000; twenty percent (20%) of the total funds to be reserved for institutions having enrollments of 3,000 to 4,999; twenty percent (20%) of the funds to be reserved for institutions having enrollments of 5,000 to 9,999 and fifteen percent (15%) of the funds to be reserved for institutions with enrollments of 10,000 or more. In the event that the aggregate reservations made for any of these enrollment sub-categories are less than the available funds reserved for those sub-categories, the unused funds shall be used to make reservations in the other enrollment sub-categories.

(3) In the event that the aggregate reservations made in either category (a)(1) or (a)(2) are less than the available funds for that category, the unused funds shall be used to make reservations for applications in the other category. Funds will be reserved subject to availability for applications in the category described in paragraph (a)(3) of this section only after all eligible applications in (a)(1) and (a)(2) of this section have received reservations.

(Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 17, 1980.

Clyde McHenry,

Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

20053 3-27-80 / Grapefruit from Ariziona and California

Agricultural Marketing Service—

20046 3-27-80 / Grapefruit from California; order regulating handling

ENVIRONMENTAL PROTECTION AGENCY

20402 3-27-80 / Control of air pollution from new motor vehicle engines; high altitude emission standards voluntary compliance program for 1981 model year light-duty motor vehicles

INTERSTATE COMMERCE COMMISSION

20104 3-27-80 / Legal Assistance Referral Service

LABOR DEPARTMENT

Occupational Safety and Health Administration—

6706 1-29-80 / Servicing multipiece rim wheels

List of Public Laws

Last Listing April 24, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 474 / Pub. L. 96-237 To authorize and request the President to issue a proclamation designating April 21 through April 28, 1980, as "Jewish Heritage Week". (Apr. 24, 1980; 94 Stat. 338) Price $1.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: May 16 and 30; June 13 and 27; July 11 and 25; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202-523-5235.
Gwendolyn Henderson, Assistant Coordinator, 202-523-5234.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)

WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.

RESERVATIONS: Call Dorothy Gemallo, 212-264-3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)

WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.)
500 Camp Street, New Orleans, La.

RESERVATIONS: Call Mary Malouse, 504-589-6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)

WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.

RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801-524-5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.

WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.

RESERVATIONS: Call the Seattle Federal Information Center, 206-442-0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)

WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.

RESERVATIONS: Call Ardean Merrifield, 312-353-0339.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)

WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.

RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314-425-4106.